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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,262	12/28/2001	Dong Sun Lee	HI-0061	4110
34610	7590	03/10/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			FILE, ERIN M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,262

Applicant(s)

DONG SUN LEE

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-21 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 3-6,9-11,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/2/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Key et al.

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**Claims 1, 22,** Key discloses a method for determining the baud rate in which samples are received from the communication device and stored in memory until a set of the samples are accumulated (abstract). Timing and control block (fig. 1, 10) receives pulses from the master clock (col. 2, lines 55-57). A counter (fig. 3, 270) is used to count the number of times the incoming serial data stream has been tested against the desired autobaud character. The counter and the received pulse are used to determine a first sample count is presented to the data selector (fig. 3, 266) to select the correct clock frequency for the sample clock (fig. 1, 15, fig. 3, 262). The sample clock is an initial estimate of the sample rate, or the baud rate. This sample clock is used to collect samples from the incoming data stream (fig. 3, 210). Sets of samples are collected of a desired length of 16 for the first set, if the first comparison is unfavorable and more sets are taken, a new set of length 8 is taken. Their odd outputs are used to compare against desired data, while even outputs are recirculated (reloaded) in the event the comparison fails (col. 5, lines 15-20). A positive comparison of a baud character is an indicator of the desired baud rate, which can be calculated from the direct binary relationship to the baud rate of the received autobaud character col. 5, lines 55-58).

**Claim 2,** inherits the limitations of Claim 1, Key further describes that the sample clock rate which is used as estimated baud rate estimation has an initial prescribed value of twice the highest cognizant baud rate, which Key discloses in this example as 19,200 Hertz.

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**Claim 8**, inherits the limitations of Claim 1. Key further discloses an initial estimated baud rate and the collection and comparison of data to a known data baud until a match is reached, and a baud rate determined (col. 5, lines 15-20).

**Claim 23**, inherits the limitations of Claim 22, Key further discloses a register (fig. 1, 20) to receive an output of the sampling calculator that loads samples (fig. 1, 16) and stores the first sample and uses said sample to estimate the baud rate.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Key et al. in further view of Earnest.

**Claim 7, 24**, inherit the limitations of Claims 1, 22 respectively. Key fails to disclose in his baud rate estimation method calculating the estimated baud rate is executed by employing a mapping table, however, Earnest discloses an automatic baud rate

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detector which one preferred embodiment uses a look-up table in memory which uses precise industry baud rates to calculate the baud rate of the incoming data stream (col. 7, lines 48-53).

**Claim 25**, inherits the limitations of Claim 22, although Key fails to disclose the further limitation of a buffer configured to store an output of the optimum baud rate detector unit, however, Earnest discloses a software routine then calculates the baud rate that is required for transmitting the data to the remote device, stores the baud rate and initializes various transmit function registers in the serial communications controller to transmit at the required baud rate (col. 1, lines 43-46).

6. Claims 3-6, 9-11, 26, 27, are objected to as dependent upon rejected claims, but would be allowable if rewritten in independent form.

7. Claims 12-21 are allowable in view of the known prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. The examiner can normally be reached on M-F 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin M. File

EMF

2.28.2005

  
STEPHEN CHIN  
SUPERVISORY PATENT EXAMINER  
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